

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8280 OF 2020

Daksh Hamal Mapadi Sahakari Sanstha
Maryadit Kurhad Khurd through
its Chairman/President .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Amarjitsing B. Girase, Advocate for the Petitioner.
Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.
DATE : 17TH DECEMBER, 2020.**

FINAL ORDER :

. We have heard Mr. Girase, the learned advocate for the petitioner and Mr. Karlekar, the learned Assistant Government Pleader for respondents/State.

2. The petitioner was given adhoc contract till the contractor is appointed regularly. Mr. Karlekar, the learned A. G. P. submits that, because of Code of Conduct, the officers are in two minds, as to whether e-tendering process can be resorted or tender is continued. However, after Code of Conduct ends on 18.01.2021, the authority would resort to e-tender process.

3. Mr. Girase, the learned counsel submits that, the

petitioner was given contract after following the tender process. The work order was issued and after ten months stay has been granted refraining the petitioner from continuing with the work. The criminal complaint is filed on false and erroneous facts.

4. The contract of the petitioner is neither rescinded, nor continued. Same is stayed under the impugned order. It would be in the fitness of things for the authorities to take the decision as to whether to continue tender of the petitioner or to rescind the contract of the petitioner.

5. We direct the authorities to take a final decision in that regard by 22nd December, 2020. Depending upon the final decision taken, the parties may act upon it.

6. In the light of the above, the writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/Dec. 20